IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.1273 of 2005

Between:

1 G.Balakrishna, S/o.Veeraiah
R/o.H.No.3-52, Nizampet (V) Quthubullapur (M) R.R.District.
2 G.Nagaraju S/o.G.Mallaiah
R/o.H.No.3-55, Nizampet (V) Quthubullapur (M) R.R.District.

....PETITIONERS

AND

1 The District Collector, R.R.District, Lakidikapool, Hyderabad.
2 The Revenue Divisional Officer East Division, R.R.District,
Goshamahal, Hyderabad.
3 The Mandal Revenue Officer Quthbullapur (M) R.R.District.
4 G. Latchi Raju S/o Rama Raju, R/O MIG 528,
KPHB colony, Kukatpally, Ranga Reddy District.
(4th respondent is impleaded as per orders in
W.P.M.P.No.2002 of 2005 dated 10.02.2005).

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents herein in not taking any action on the representations dt.16.12.2004 and 17.1.2005 submitted by the petitioners as highly illegal, arbitrary and consequently direct the respondents herein to take appropriate action on the petitioners representations dt.16-12-2004 and 17.1.2005 as per the Law in the interest of justice and pass such other order or orders.

Counsel for the Petitioner:MR.THANDUSRINIVAS

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

Counsel for the Respondent No.4 : None appeared

The Court made the following :

ORDER:

The petitioners herein claim to be the grandsons of one late Mysaiah, in whose favour an extent of Ac.1.03 guntas of land in S.No.90/A situated at Nizampet village, Quthubullapur Mandal, Ranga Reddy District was said to have been assigned and Lavoni patta was issued long back. The petitioners state that they have been in continuous possession and enjoyment of the said land. However, the fourth respondent herein, on the basis of a power of attorney said to have been executed by the grandfather of the petitioners in favour of one Latchi Raju, the father of the fourth respondent, has forcibly taken possession of the land in question from the petitioners. The petitioners further state that since any transfer of the assigned lands is prohibited under the provisions of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977, (for short "the Act") they made representations before the 2nd respondent-Revenue Divisional officer, East Division, Ranga Reddy District, Goshamahal, Hyderabad on 16.12.2004 and 17.01.2005, bringing to his notice about the high handed action of the fourth respondent and requesting to take the necessary action under the provisions of Act. The only grievance of the petitioners in this writ petition is that the second respondent failed to take any action on the basis of their representations. Hence this writ petition.

Section 3 of the Act prohibits transfer of assigned lands and under Section 4 of the Act, the District Collector or any other officer, not below the rank of Mandal Revenue Officer authorized by the District Collector, if satisfied as to the transfer of any assigned land in contravention of the provisions of the Act, is entitled to take possession of the said land after evicting the person in possession and restore the same to the original assignee or his legal heirs.

In the light of the statutory provisions, I am of the view that the respondents ought to have considered the representations made by the petitioners dated 16.12.2004 and 17.01.2005 and ought to have taken necessary action in accordance with law, after making the necessary enquiry as to the nature of the land in question and the correctness of the allegations made by the petitioners.

Accordingly, the writ petition is disposed of with a direction to the respondents to consider the representations of the petitioners dated 16.12.2004 and 17.01.2005 and to pass appropriate orders in accordance with law after affording due opportunity to the petitioners as well as the fourth respondent, as expeditiously as

possible, preferably within a period of eight weeks from the date of receipt of this order. No costs.

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10.02.2005

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To

1 The District Collector, R.R.District, Lakidikapool, Hyderabad.
2 The Revenue Divisional Officer East Division, R.R.District, Goshamahal, Hyderabad.
3 The Mandal Revenue Officer Quthbullapur (M) R.R.District.

4 Two C.Cs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

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